

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
WILLIAMSON COUNTY, ILLINOIS

FILED
2

MAR 22 2006

RICHARD M. STALLINGS,
Administrator of Estate of
RICHARD R. STALLINGS, deceased,

Plaintiff

vs.

THE BLACK AND DECKER
MANUFACTURING COMPANY, a
foreign corporation, and
BLACK AND DECKER (U.S.), INC.,
a foreign corporation,

Defendants.

Stuart Hall
CLERK OF THE CIRCUIT COURT

No. 93-L-59

No 4078-JP6

FILED
APR 12 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

COMPLAINT WITH JURY DEMAND

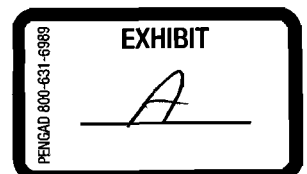
COUNT I

NOW COMES the Plaintiff, RICHARD M. STALLINGS, Administrator of Estate of RICHARD R. STALLINGS, deceased, by Stanton D. Ernest and John E. Rhine of the law firm of Rhine, Ernest & Vargo, his attorneys, and for his cause of action against the Defendant, BLACK AND DECKER, INC., a foreign corporation, states as follows:

1. Plaintiff, RICHARD M. STALLINGS, is the duly appointed, qualified and acting administrator of the Estate of RICHARD R. STALLINGS, deceased, pursuant to Order entered and Letters fo Office issued in the Circuit Court of White County, Illinois. A copy of said Letters of Office is attached hereto and made a part hereof as Exhibit "A".

2. Plaintiff brings this action as administrator pursuant to, and as authorized by the Illinois Wrongful Death Act, (740 ILCS 180/1), on behalf of, and for the benefit of, himself, the surviving father, the surviving mother and their son and daughter, the next of kin of the decedent.

3. On April 17, 1991, the decedent, RICHARD R. STALLINGS, was operating a



circular saw manufactured by BLACK AND DECKER, INC., on the premises of Gilbert Stallings.

4. At said time and place said circular saw kicked and cut user's neck eventually resulting in the death of the decedent, RICHARD R. STALLINGS, on April 17, 1991.

5. The Plaintiff's decedent left surviving him as next of kin, his father RICHARD M. STALLINGS; his mother, ROBBIE ANN COX; his brother, RUSS MILLER STALLINGS; and his sister, RICHIANN STALLINGS.

6. That on or before April 17, 1991, the Defendants, BLACK AND DECKER, INC., a foreign corporation and BLACK AND DECKER (U.S.), INC., a foreign corporation, were in the business of manufacturing, designing and selling circular saws such as the above-mentioned saw in this cause.

7. The circular saw was manufactured by Defendants, BLACK AND DECKER, INC., a foreign corporation, soled and distributed so as to reach the ultimate user in the same condition as when it left the control of the Defendant.

8. On or prior to April 17, 1991, said circular saw was in an unreasonable dangerous condition when it left the Defendant's control, ordinary wear and tear excepted, in one or more of the following respects:

- a. Said circular saw was not made available with a riving knife or anti-kickback device.
- b. The circular saw's proclivity was to suddenly and unexpectedly kick out of the material being cut.
- c. Failed to provide a riving knife or anti-kickback device which would act as a guard and protect the user from injury.

9. As a direct and proximate result of the defective and unreasonably dangerous

condition of the product manufactured and sold by Defendants, BLACK AND DECKER, INC., a foreign corporation, the circular saw kicked and came into contact with the decedent's person, as a result of which Plaintiff's decedent sustained severe and permanent injuries resulting in great pain and suffering to the Plaintiff's decedent, and eventually in his death.

10. By reason of the wrongful death of Plaintiff's decedent, the next of kin surviving have sustained substantial pecuniary losses.

WHEREFORE, the Plaintiff, RICHARD M. STALLINGS, Administrator of the Estate of RICHARD R. Stallings, deceased, prays for judgment against the Defendant, BLACK AND DECKER, INC., a foreign corporation, in an amount in excess of Fifty Thousand Dollars (\$50,000) plus costs of suit

PLAINTIFF DEMANDS TRIAL BY JURY.

COUNT II

NOW COMES the Plaintiff, RICHARD M. STALLINGS, Administrator of the Estate of RICHARD R. STALLINGS, deceased by Stanton D. Ernest and John E. Rhine of the law firm of Rhine, Ernest & Vargo, his attorneys, and for his cause of action against the Defendant, BLACK AND DECKER, INC., a foreign corporation, states as follows:

1. Plaintiff, RICHARD M. STALLINGS, is duly appointed, qualified and acting administrator of the Estate of RICHARD R. STALLINGS, deceased, pursuant to Order entered and Letters of Office issued in the Circuit Court. A copy of said Letters of Office is attached hereto and made a part hereof as Exhibit "A".

2. Plaintiff brings this action as administrator pursuant to, and as authorized by, the Illinois Wrongful Death Act, (740 ILCS 180/1), on behalf of, and for the benefit of, himself, the

surviving father, the surviving mother and their son and daughter, the next of kin of the decedent.

3. On April 17, 1991, the decedent, RICHARD R. STALLINGS, was operating a circular saw manufactured by BLACK AND DECKER, INC., a foreign corporation, on the premises of Gilbert Stallings.

4. At said time and place said circular saw kicked and cut user's neck eventually resulting in the death of the decedent, RICHARD R. STALLINGS, on April 17, 1991.

5. The Plaintiff's decedent left surviving him as next of kin, his father, RICHARD. STALLINGS; his mother, ROBBIE ANN HOFFORD, his brother, RUSS MILLER STALLINGS; and his sister, RICHANN STALLINGS.

6. The Defendant, BLACK AND DECKER, INC., a foreign corporation, at the time of the injurious occurrence hereinafter mentioned was negligent in one or more of the following respects:


- a. Failed to make available said circular saw with a riving knife.
- b. Failed to properly design, manufacture, sell, distribute, and recall the product which is unreasonably dangerous because of its proclivity to suddenly and unexpectedly kick out of the material being cut.
- c. Failed to provide a riving knife or anti-kickback device which would act as a guard and protect from injury.

7. As a direct and proximate result of the negligence of Defendant, BLACK AND DECKER, INC., a foreign corporation, the circular saw kicked and came into contact with the decedent's person, as a result of which Plaintiff's decedent sustained severe and permanent injuries resulting in great pain and suffering to the Plaintiff's decedent, and eventually in his death.

8. By reason of the wrongful death of Plaintiff's decedent, the next of kin surviving have

sustained substantial pecuniary losses.

WHEREFORE, the Plaintiff, RICHARD M. STALLINGS, Administrator of the Estate of RICHARD R. STALLINGS, deceased, prays for judgment against the Defendant, BLACK AND DECKER, INC., a foreign corporation, in an amount in excess of Fifty Thousand Dollars (\$50,000) plus costs of suit.


RICHARD M. STALLINGS, Administrator of the
Estate of RICHARD R. STALLINGS, deceased

RHINE, ERNEST & VARGO
Attorneys for RICHARD M. STALLINGS,
Administrator of the Estate of RICHARD R.
STALLINGS, deceased

By: 

STANTON D. ERNEST

By: 

JOHN E. RHINE

Stanton D. Ernest
John E. Rhine
RHINE, ERNEST & VARGO
631 N. Market Street
Mt. Carmel, IL 62863
Phone 618-262-8611
Fax 618-262-7145

STATE OF ILLINOIS)
)
COUNTY OF WABASH)

SS.

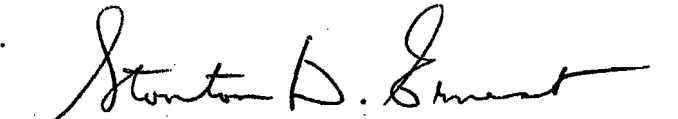
AFFIDAVIT

I, Stanton D. Ernest, after first being duly sworn on oath, depose and state as follows:

The total money damages that I am seeking on behalf of the Plaintiff in the Complaint to which this affidavit is attached and to be filed in the First Judicial Circuit, Williamson County, Illinois, against BLACK AND DECKER, INC., a foreign corporation, are in excess of Fifty Thousand Dollars (\$50,000.00).

FURTHER THE AFFIANT SAYETH NOT.

Dated this 17th day of March 2006.


STANTON D. ERNEST

Subscribed and sworn to before me this 17th day of March 2006.





NOTARY PUBLIC

EXHIBIT A

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
WHITE COUNTY — IN PROBATE

In the Matter of the Estate of
RICHARD RYAN STALLINGS
Deceased

No. 92-P-9

FILED

APR 06 1993

LETTERS OF OFFICE — DECEDENT'S ESTATE

RICHARD M. STALLINGS

Ellen L. Pettigrew
CLERK OF THE CIRCUIT COURT
WHITE COUNTY

has been appointed Administrator
of the estate of RICHARD RYAN STALLINGS, deceased; who died
April 17, 19 91, and is authorized to take possession of and collect the estate of the
decedent, and to do all acts required of him by law.

Witness, April 6, 19 93

(Seal of court)

Ellen L. Pettigrew
(Clerk of the Circuit Court)

CERTIFICATE

I certify that this is a copy of the letters of office now in force in this estate.

Dated April 6, 19 93

(Seal of court)

Ellen L. Pettigrew
(Clerk of the Circuit Court)

Name Raymond Lawler

Attorney for Plaintiff

Address New Rt. 13 at Carbon

62959

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
WILLIAMSON COUNTY, ILLINOIS

FILED
APR 12 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

RICHARD M. STALLINGS,
Administrator of Estate of
RICHARD R. STALLINGS, deceased,

Plaintiff

vs.

BLACK AND DECKER, INC. a
foreign corporation, and
BLACK AND DECKER (U.S.), INC.,
a foreign corporation,

Defendants.

06-4078-JPC
No. 93259

SUMMONS

To the Defendant: **Black and Decker, (U.S.) Inc., a foreign corporation
c/o CT Corporation, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60601**

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer: Cook County Sheriff Department

This summons must be returned by the officer or other persons to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned to endorsed. This summons may not be served later than 30 days after its due date.

WITNESS, March 22, 2006.

Stuart Hall, Jr.
WILLIAMSON COUNTY CIRCUIT CLERK

Stanton D. Ernest
John E. Rhine
RHINE, ERNEST & VARGO
631 Market Street
Mt. Carmel, IL 62863
618-262-8611
618-262-7145 fax

CT CORPORATION
A WoltersKluwer Company

**Service of Process
Transmittal**
04/03/2006
Log Number 511048075

TO: GARY C DUVALL
Miles & Stockbridge
1 West Pennsylvania Avenue, Suite 900
Towson, MD. 21204

RE: Process Served in Illinois

FOR: Black & Decker (U.S.) Inc. (Domestic State: MD)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Richard M. Stallings, Administrator of Estate of Richard R. Stallings, deceased,
Plff. vs. Black and Decker, Inc., etc., et al., including Black and Decker, (U.S.) Inc.,
etc., Dfs.

DOCUMENT(S) SERVED: Summons, Complaint, Jury Demand, Affidavit, Attachment

COURT/AGENCY: Williamson County, IL - 1st Judicial Circuit Court, IL
Case # 93L59

NATURE OF ACTION: Product Liability Litigation - Manufacturing Defect - Wrongful Death

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 04/03/2006 at 10:00

APPEARANCE OR ANSWER DUE: Within 30 days

ATTORNEY(S) / SENDER(S): Rhine, Ernest & Vargo
631 Market Street
Mt. Carmel, IL, 62863
618-262-8611

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day, 790379175397
Email Notification, Siobhan Miller Siobhan.Miller@bdk.com

SIGNED: C T Corporation System
PER: Tawana Carter
ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL, 60604
TELEPHONE: 312-345-4336

Page 1 of 1 / DS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.